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UNCLAS ALMATY 001703

SIPDIS

DEPARTMENT FOR S/WCI (WITTEN, MILLER), L/PM (AHAINES),
SCA/CEN (J. MUDGE), DOD/OGC (BEAVER), OUSD/DETAINEE POLICY
(LIOTTA), NSC (CAMPONOVO)

SENSITIVE

SIPDIS

E.O. 12958: N/A

TAGS: PTER KAWC PINR PREL KZ

SUBJECT: KAZAKHSTAN: DISCUSSION OF GUANTANAMO DETAINEES

REF: A. State 32380, B. Almaty 336

¶1. (SBU) Summary: Kazakhstan insists on a Mutual Legal Assistance Treaty with the U.S. in order to accept the return of Guantanamo detainees. The MFA is willing to meet with U.S. experts in Astana to discuss the issue. See request for guidance, para. 4. End summary.

¶2. (SBU) On May 2, Poloff met with Ualikhan S. Sanginkhanov, Head of the MFA's Division of Europe and America, Department of Consular Services to discuss the Kazakhstani detainees at Guantanamo Bay. Sanginkhanov expressed the GOK's position that if the Kazakhstani detainees are guilty of a crime, they should be tried and sentenced in a U.S. court of law. If they are not guilty, then Kazakhstan requests the signing of a Mutual Legal Assistance Treaty (MLAT) that would formalize law enforcement issues including extraditions. The detainees could then be returned to Kazakhstan under the auspices of the MLAT.

¶3. (SBU) Sanginkhanov stated that the MFA would be willing to have their experts meet with U.S. experts in Astana to discuss the issue.

¶4. (SBU) Comment: Post understands that the Department of Justice does not support the idea of concluding an MLAT with Kazakhstan due to the low volume of judicial assistance requests. This appears to be an attempt by the Kazakhstani government to use the detainee situation as leverage. End comment.

¶5. (U) Post requests Department guidance on responding to the Kazakhstani position.